

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Sarvint Technologies, Inc., Plaintiff, v. Athos Works, Inc. and Mad Apparel, Inc. Defendants.	Civil Action File No. 1:15-cv-00068-TCB
Sarvint Technologies, Inc., Plaintiff, v. Carre Technologies, Inc., Defendant.	Civil Action File No. 1:15-cv-00069-TCB
Sarvint Technologies, Inc., Plaintiff, v. OMSignal, Inc., Defendant.	Civil Action File No. 1:15-cv-00070-TCB

Sarvint Technologies, Inc., Plaintiff, v. Ralph Lauren Corporation, Defendant.	Civil Action File No. 1:15-cv-00071-TCB
Sarvint Technologies, Inc., Plaintiff, v. Sensoria, Inc., Defendant.	Civil Action File No. 1:15-cv-00072-TCB
Sarvint Technologies, Inc., Plaintiff, v. Textronics, Inc. and Adidas North America, Inc., Defendants.	Civil Action File No. 1:15-cv-00073-TCB
Sarvint Technologies, Inc., Plaintiff, v. Victoria's Secret Stores, LLC, Defendant.	Civil Action File No. 1:15-cv-00074-TCB

**EMERGENCY MOTION FOR ENLARGEMENT OF TIME
IN WHICH TO FILE A RESPONSE TO PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Pursuant to Local Rule 7.2(B), Defendants Athos Works, Inc. and Mad Apparel, Inc., Carre Technologies, Inc., OMSignal, Inc., Ralph Lauren Corporation, Sensoria, Inc., Textronics, Inc. and Adidas North America, Inc., and Victoria's Secret Stores, LLC, through the undersigned counsel, submit this emergency motion for an extension of time to file a response to Plaintiff's Motion for Preliminary Injunction (Dkt. No. 21). The Defendants' responses to the motion for preliminary injunction are currently due April 27, 2015. Defendants request the Court waive the time requirements of LR 7.1(B) because Plaintiff's opposition to this motion would not be due until after Defendants' opposition time had passed. Thus good cause exists for expedited consideration of this motion

In support of its Motion, Defendants submit that they attempted to reach agreement with counsel for Plaintiff regarding a modest extension of time, but the parties were unable to reach agreement. *See Exhibit A.* On Friday, April 17, 2015 Defendants requested a 21-day extension of the response deadline (until May 18, 2015) to fully evaluate and prepare its response to the Motion for Preliminary Injunction.

Specifically, Defendants explained that they were seeking an extension on the grounds that (1) Defendants are attempting to coordinate their responses on common issues so as to limit the burden on the Court, and this will take additional time; (2) Plaintiffs had been working on the motion for preliminary injunction for weeks (if not months) and Defendants have had a far shorter period to respond to the many assertions of fact and law contained in the motions and related submissions; and (3) Defendants are at this time undecided regarding whether to seek discovery prior to responding, but reserved the right to seek such discovery and thus build in the time to allow for it.

Despite the quickly-approaching deadlines, counsel for Plaintiffs waited three days before responding to Defendant's request for additional time. While Plaintiff's counsel recognized Defendants' concerns, they were willing to agree to only a one-week enlargement of time. *See Ex. A.*

Plaintiff's motion to preliminarily enjoin the business practices of nine parties includes, among other things, various factual assertions and a fifty page declaration from an alleged expert. Given the gravity of the relief Sarvint seeks, Sarvint's own delay in seeking that relief, and the scope of Plaintiff's submission, Defendants' request for three extra weeks to respond to Sarvint's motion is reasonable. Defendants must confer with witnesses, review the numerous of documents cited in

the expert reports (but not attached or provided), and consider the appropriateness of rebuttal expert testimony on specific issues. As noted above, the additional time to respond will also allow Defendants time to coordinate their responses where appropriate, thereby reducing the burden on the Court. Moreover, the requested extension of time will not prejudice Sarvint.

The parties in these cases have freely granted extensions in the past to allow the parties to fully investigate and prepare filings. Defendants do not intend to use this extension of time to delay proceedings. Instead, Defendants seek the extension in order to fully evaluate Plaintiff's motion and supporting documents, and prepare their responses.

Accordingly, Defendants respectfully requests that the Court enter an Order extending the time in which it must respond to Plaintiff's Motion for Preliminary Injunction through and including May 18, 2015.

A proposed order granting this Motion is attached for the Court's convenient reference.

Dated: April 20, 2015

/s/ Noah C. Graubart
Noah C. Graubart
Georgia Bar No. 141862
FISH & RICHARDSON

Respectfully submitted,

/s/ Robert A. Ward
Robert M. Ward
The Pinnacle Building
5th Floor

1180 Peachtree Street NE, 21st Fl.
Atlanta, GA 30309
Telephone: 404-724-2820
Facsimile: 404-892-5002
graubart@fr.com

3455 Peachtree Road North East
Atlanta, GA 30326
404-606-6480
Email: rward@dilworthip.com

Clement S. Roberts (pro hac vice)
croberts@durietangri.com
Timothy C. Saulsbury (pro hac vice)
tsaulsbury@durietangri.com
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300

Attorneys for Defendant
Carre Technologies, Inc.

Attorneys for Defendants
MAD Apparel, Inc. and Athos
Works, Inc.

/s/ Christopher C. Campbell
Christopher C. Campbell
Cooley, LLP-VA
11951 Freedom Drive
Reston, VA 20190
703-456-8000
Email: ccampbell@cooley.com

/s/ Christopher C. Campbell
Christopher C. Campbell
Cooley, LLP-VA
11951 Freedom Drive
Reston, VA 20190
703-456-8000
Email: ccampbell@cooley.com

Robert Andrew King
Hunton & Williams LLP -Atlanta
600 Peachtree Street, N.E.
Bank of America Plaza, Suite 4100
Atlanta, GA 30308-2216
404-888-4136
Email: rking@hunton.com

Robert Andrew King
Hunton & Williams LLP -Atlanta
600 Peachtree Street, N.E.
Bank of America Plaza, Suite 4100
Atlanta, GA 30308-2216
404-888-4136
Email: rking@hunton.com

Attorneys for Defendant
OMSignal, Inc.

Attorneys for Defendant
Ralph Lauren Corporation

/s/ Warren J. Thomas

Steven M. Auvil (PHV)
Ohio Bar No. 63827
James Alex (PHV)
Ohio Bar No. 91092
SQUIRE PATTON BOGGS (US)
LLP
4900 Key Tower, 127 Public Square
Cleveland, Ohio 44114
Telephone: (216) 479-8023
Facsimile: (216) 479-8780
steven.auvil@squirepb.com
james.alex@squirepb.com

Stephen M. Schaetzl
Georgia Bar No. 628653
Warren J. Thomas
Georgia Bar No. 164714
Meunier Carlin & Curfman, LLC
999 Peachtree Street, NE
Suite 1300
Atlanta, Georgia 30309
Phone: 404-645-7700
Fax: 404-645-7707
sschaetzl@mcciplaw.com
wthomas@mcciplaw.com

Attorneys for Defendant
Sensoria, Inc.

/s/ Richard W. Miller

Richard W. Miller
(Ga. Bar. No. 065257)
Ramtin Taheri (Ga. Bar. No.
707649)
Ballard Spahr LLP

/s/ Mitchell G. Stockwell

Caroline Wray
Matias Ferrario
mferrario@kilpatricktownsend.com
KILPATRICK, TOWNSEND &
STOCKTON, LLP - WINSTON
1001 West Fourth Street
Winston-Salem, NC 27101
336-607-7475

Mitchell Gaines Stockwell
KILPATRICK TOWNSEND &
STOCKTON, LLP - ATL
1100 Peachtree Street N.E.
Suite 2800
Atlanta, GA 30309
404-815-6500
mstockwell@kilpatricktownsend.com

Attorneys for Defendants
Textronics, Inc. and Adidas North America,
Inc.

999 Peachtree St. NE, Suite 1000
Atlanta, GA 30309
Phone: 678.420.9300
Fax: 678.420.9301
millerrw@ballardspahr.com

Of Counsel:

Lynn E. Rzonca (pro hac vice)
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
Phone: 215.665.8500
Fax: 215.864.8999
rzoncal@ballardspahr.com

Attorneys for Defendant Victoria's
Secret Stores, LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2015, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Peter F. Schoenthaler, Esq.

Andrew Crain, Esq.

Eric G. Maurer, Esq.

/s/ Warren J. Thomas

Warren J. Thomas

Georgia Bar No. 164714

Meunier Carlin & Curfman, LLC

999 Peachtree Street, NE

Suite 1300

Atlanta, Georgia 30309

Phone: 404-645-7700

Fax: 404-645-7707

wthomas@mcciplaw.com